

July 12, 1943

Hilda H. Kroeger, M.D.
Director MCH Division
Arizona State Department of Health
Phoenix, Arizona

LAW LIBRARY ARIZONA ATTORNEY GENERAL

Dear Dr. Kroeger:

Referring to your letter of July 9th, and our opinion dated July 6th, you are further advised as follows:

That Code Section 67-1103, having reference to "medicine and surgery", and Chapter 9, Session Laws, 1942, having reference to "osteopathy", each clearly provide for training and examination in obstetrics, thus indicating the intention of the legislature to recognize the qualifications of licensees in either of these systems of the healing arts, in obstetrics; and it naturally follows the right to practice obstetrics as taught in and used by the standard colleges of each of these schools of healing.

The "Basic Sciences" law excepts "midwifery" under Code Section 67-213.

Code Section 67-704 provides that licensees under the "chiropractic" statute shall not practice obstetrics.

Code Section 67-1205 makes no reference to obstetrics but does provide that "naturopathy" practice shall be restricted to "use of drugless and non-surgical methods".

Although childbirth is not a disease, but a normal function of women, yet the practice of medicine does not appertain exclusively to disease, and obstetrics as a matter of common knowledge has long been treated as a highly important branch of that science. And when, in addition to ordinary assistance in the normal case of childbirth there is prescribed medicines, or surgical or obstetrical instruments used, such a course of conduct constitutes the "practice of medicines" in one of its branches.

This is what we said in our opinion of the 6th instant; it may be in different language, but with the same intention.

"Obstetrics" is a recognized part of the practice of either "medicine and surgery" or "osteopathy", but certainly is no part of the recognized practice of "chiropractic" or "naturopathy" as far as our law is concerned. However, any person may practice "midwifery" under our law so long as such person confines himself, or herself, to the "usual practice" of such midwifery, and does not prescribe medicines

Hilda H. Kroeger, M.D.

-2-

July 12, 1943

or use surgical or obstetrical instruments. Such a course of conduct in prescribing medicine, or using surgical or obstetrical instruments would, in our opinion, "invade the practice of medicine and surgery", including, in the case of obstetrics, "medicine and surgery", or "osteopathy", as recognized by our statutes in Arizona.

Respectfully,

JOE CONWAY
Attorney General

THOMAS J. CROAFF
Assistant Attorney General

EARL ANDERSON
Chief Assistant
Attorney General